



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 26.1-DOE

Subject: Youth Correspondence

Supersedes: DYD 15.1

Approved by:

A handwritten signature in black ink, which appears to read "George M. Hattaway".

Effective date: 07/01/1990

Authority:

TCA 37-5-106

ACA Standard:

6187, 6188, 9279,
9280, 9283, 9317-
9324, 9331, 9332,
9334

- I. APPLICATION: All Department of Children's Services employees and youth.
- II. POLICY: Youth shall be allowed to exchange correspondence with any person(s) or sources, provided that such correspondence is not detrimental to the youth's well-being and/or treatment and that it does not jeopardize the safety or security of the facility or program and/or the safety of persons within or without the facility or program.

Youth correspondence, including packages, shall be opened to inspect for money and contraband and may not be read by staff members unless there is clear and convincing evidence to believe that not to do so could be detrimental to the well-being, safety and/or security of the youth, other youth, the facility, the facility personnel, and/or persons outside the facility. If correspondence is read, the youth must be notified in advance that such action is occurring and the youth, must be present when the correspondence is opened.

Except as otherwise provided herein, there shall be no limit to the volume of correspondence a youth may send or receive.

III. PROCEDURES:

- A. Except as provided herein, youth shall not be restricted as to the number of letters they may write or receive. Each Youth Development Center/Community Residential Program/Observation and Assessment Center shall furnish postage and writing materials to allow each youth to write a minimum of three letters a week, excluding legal correspondence. Additional correspondence shall be at the youth's expense.

- B. There shall be no limitation as to the persons or sources with whom a youth may correspond, except in the cases where the youth's treatment team considers that corresponding with a particular person or source would be, in their professional opinion, in some way detrimental to the youth. Any such limitation and the reason(s) therefore shall be stated in the youth's Individual Program Plan. Any correspondence to a youth from restricted persons or sources shall be returned unopened, where possible, to the sender.
- C. Under no circumstances shall a youth be denied the opportunity to correspond with attorneys and/or the court. Correspondence to attorneys, court, or other legal agencies shall be mailed at state expense and shall be in addition to the three letters per week limitation stated in Section III (A) of this policy. Outgoing mail to attorneys, courts, administrators of the Department of Children's Services and grievance committee members shall not be opened or inspected.
- D. All incoming youth correspondence and packages, except that from attorneys and/or the court, shall be opened and inspected for the presence of money and contraband. Such items shall be removed from the correspondence or package. Unauthorized money shall be placed in the youth's trust fund account. Contraband shall be handled in accordance with policy.
- E. Youth correspondence shall not be read, except where there is evidence that the correspondence might contain one or more of the following:
 - 1. Plans for sending contraband in or out of the facility;
 - 2. Plans for criminal activity;
 - 3. Instructions for manufacture of weapons, drugs, drug paraphernalia, or alcoholic beverage;
 - 4. Threats of blackmail or extortion;
 - 5. Plans for escape or unauthorized entry;
 - 6. Plans for activities in violation of facility rules;
 - 7. Information which, if communicated, would create a serious danger to the security and/or safety of the facility;
 - 8. Information which, if communicated might threaten the youth's well-being and/or treatment;
 - 9. Information that, if communicated, might threaten the safety of persons within or without the Youth Development Center/Community Residential Program/Observation and Assessment Center.
- F. If the need to read either incoming or outgoing youth correspondence is established, prior authority to do so must be obtained in writing from the

Superintendent/Community Residential Program or Observation and Assessment Center Supervisor, or designee. The youth shall be notified in advance of such intention and shall be present when the correspondence is read. If the correspondence is outgoing, the youth shall be present when it is opened. Documentation stating the reasons for such action, will be signed by the staff member and youth placed in the youth's file. If the youth refuses to sign, it shall be so noted in the documentation.

- G. Excluding weekends and holidays, incoming youth correspondence shall be made available to the youth within 24 hours of receipt at the facility and outgoing youth correspondence shall be forwarded within 24 hours of receipt from the youth.
- H. Youth mail shall not be censored. Correspondence determined to be unsuitable for delivery to the youth shall be either returned to the sender or held for the youth until his/her release. In no case shall a staff member destroy youth correspondence.
- I. Youth who abuse the privilege of corresponding (writing, threatening, abusive, obscene letters, etc.) shall be subject to disciplinary action.
- J. Correspondence addressed to a youth who has been transferred from the Youth Development Center/Observation and Assessment Center/Community Residential Program to another facility shall be forwarded to the addressee. Correspondence addressed to a youth who has been released shall be returned to the sender, if possible. If the address of the sender is unknown, the correspondence shall be forwarded to the youth's last known address.
- K. Youth shall be allowed to receive printed materials (magazines, books, etc.) as long as such printed materials have been fully paid for in advance of their arrival at the Youth Development Center/Community Residential Program/Observation and Assessment Center. A youth shall not contract to pay for and receive any phonograph records, pre-recorded tapes, books, or magazines while a youth is a resident of any Youth Development Center/Community Residential Program/Observation and Assessment Center if such items are to be sent directly to the facility by the company with which the youth has contracted. Items received at the facility in violation of this subsection shall be returned to the sender. Policy should be consulted regarding impermissible reading and viewing material.

IV. FORMS: None

**(Note: This Policy Cannot Be Revised Without Prior Permission
of Chancery Court, Davidson County, Nashville, Tennessee.)**